

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOSHUA FERENC, Individually, and On
Behalf of All Others Similarly Situated,

Plaintiff,

v.

E*TRADE FINANCIAL
CORPORATION, MITCHELL H.
CAPLAN and ROBERT J. SIMMONS,

Defendants.

No. 07-cv-10540-RWS

PLAINTIFF'S NOTICE OF VOLUNTARY DISMISSAL

PLEASE TAKE NOTICE that whereas none of the defendants have served an answer or motion for summary judgment, plaintiff Joshua Ferenc hereby voluntarily dismisses this action as to all defendants, without prejudice pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure, each side to bear its own costs.

Dated: May 2, 2008

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CERTIFICATE OF SERVICE

Notice of this filing will be sent to all counsel of record by operation of the Court's electronic filing system as follows:

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